

148
JUN 19 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Hoake
McDonnell Aircraft Company
P.O. Box 516
St. Louis, MO 63166-0516

LETTER OF WARNING

Dear Mr. Hoake:

On August 8, 1988, the Environmental Protection Agency (EPA) established treatment standards for certain First Third wastes (40 CFR § 268.41, 42 and 43). They also established requirements for those First Third wastes, known as Soft Hammer Wastes, for which treatment standards had not been set (40 CFR § 268.8) allowing them to be placed in the Resource Conservation and Recovery Act (RCRA) approved landfills or surface impoundments if demonstration and certification requirements are met.

On May 9, 1989, EPA Region V, in Chicago, Illinois, received the Soft Hammer Demonstration for your chloroform (U044), formaldehyde (U122), phenol (U188), tetrachloroethylene (U210), toluene diisocyanate (U223), and methylchloroform (U226). They forwarded it to Region VII. It is important that you submit documentation to the Region in which you generate the waste. Since you are located in ~~Kansas~~ you must deal with the Region VII office of the EPA. We did not receive your signed Certification. Therefore your Soft Hammer Demonstration and Certification is invalid. Past and continuing shipments of this hazardous waste (U044, U122, U188, U210, U223 and U226) without a valid certification places the McDonnell Aircraft Company in violation of 40 CFR § 268.8.

If you wish to acquire Soft Hammer Certification for your waste you must submit a Demonstration and a signed Certification in the specific language promulgated in 40 CFR § 268.8. All future shipments of this, or any other hazardous waste subject to this requirement, must be accompanied by a valid Soft Hammer Certification.

Failure to comply with this requirement may subject you to an enforcement action under Section 3008 of RCRA, 42 U.S.C.

WSTM/RCRA/RCOM:HUTCHISON:jh:6/15/89 AIRCRAFT

RCOM

RCOM

RCRA

HUTCHISON

DOYLE

MORBY

C. Hutchison
6-15-89

D. Doyle
6/16/89

MORBY
6/16/89



R00144316
RCRA RECORDS CENTER

Section 6928. Such enforcement action may include the assessment of penalties of up to \$25,000 for each day of noncompliance.

If you have any questions regarding Soft Hammer Certification or this letter, please contact Cynthia L. Hutchison, of my staff, at (913) 236-2891.

Sincerely yours,

Robert L. Morby
Chief, RCRA Branch
Waste Management Division

bcc: Marc Rivas, RCOM
Nicholas A. Di Pasquale, MDNR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

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Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Morby', is written over the typed name and title.

Robert L. Morby
Chief, RCRA Branch
Waste Management Division